

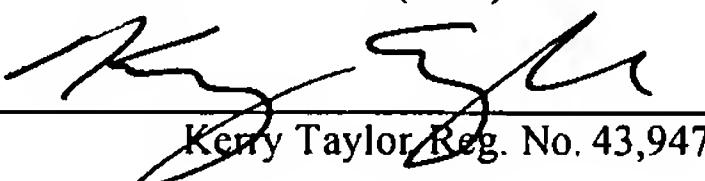
| | |
|--|---|
| Response to Missing Requirements Under 35 USC § 371 | Attorney Docket No.: MAIWAM7.005APC First Named Inventor: Patrick SCHWEIZER Int'l Application No.: PCT/EP2004/011214 US Application No.: 10/574,740 Entered National Phase: April 5, 2006 Title: PROMOTER FOR THE EPIDERMIS-SPECIFIC TRANSGENIC EXPRESSION IN PLANTS |
| Direct all correspondence to Customer No.: 20995 | |
| Date: January 18, 2007 Page 1 of 1 | |

Mail Stop PCT
 United States Patent and Trademark Office
 PO Box 1450
 Alexandria, VA 22313-1450

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop PCT, United States Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, on

January 18, 2007

(Date)



Kerry Taylor Reg. No. 43,947

Applicant herewith submits to the US Designated/Elected Office (DO/EO/US) the following items and other information:

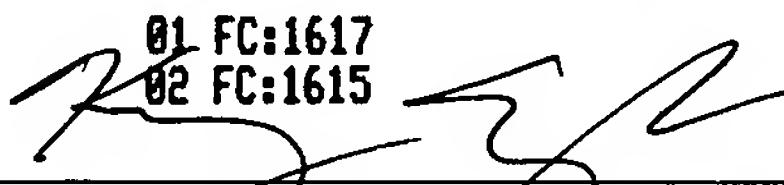
- (X) This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
- (X) Copy of the Notification of Missing Requirements under 35 USC 371 dated November 20, 2006.
- (X) An Oath or Declaration signed by the inventors (35 USC 371(c)(4)) in 5 pages.
- (X) Return prepaid postcard.

FILING FEES NOT YET PAID:

| FEE CALCULATION | | | | |
|--------------------|-------------------|--------------|----------------------|--------------|
| FEE TYPE | | LARGE FEE | CALCULATION | TOTAL |
| Late Oath/Decl. | 37 CFR § 1.492(h) | 1617 (\$130) | | \$130 |
| Excess Claims | 30 - 20 = | 1615 (\$50) | 10 x 50 = | \$500 |
| Excess Ind. Claims | 1 - 3 = | 1614 (\$200) | 0 x 200 = | \$0 |
| | | | TOTAL FEE DUE | \$630 |

- (X) A check in the amount of \$630 is enclosed to cover the above fees.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-1410. **01/23/2007 GFREY1 00000124 10574740**



01 FC:1617
02 FC:1615
130.00 OP
500.00 OP

Kerry Taylor
 Registration No. 43,947
 Attorney of Record
 Customer No. 20,995
 (619) 235-8550



UNITED STATES PATENT AND TRADEMARK OFFICE

MAIWAM7.005APC
MTM/KS

Page 1 of 3
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| | | |
|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/574,740 | Patrick Schweizer | MAIWAM7.005APC |
| INTERNATIONAL APPLICATION NO. | | |
| PCT/EP04/11214 | | |
| I.A. FILING DATE | PRIORITY DATE | |
| 10/07/2004 | 10/07/2003 | |
| CONFIRMATION NO. 1910 | | |
| 371 FORMALITIES LETTER | | |
| | | |
| *OC000000021287088* | | |

Date Mailed: 11/20/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/05/2006
- English Translation of the IA filed on 04/05/2006
- Copy of the International Search Report filed on 04/05/2006
- Preliminary Amendments filed on 04/05/2006
- Information Disclosure Statements filed on 04/05/2006
- Oath or Declaration filed on 08/04/2006
- Biochemical Sequence Listing filed on 04/05/2006
- U.S. Basic National Fees filed on 04/05/2006
- Priority Documents filed on 04/05/2006
- Specification filed on 04/05/2006
- Claims filed on 04/05/2006
- Abstracts filed on 04/05/2006
- Drawings filed on 04/05/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$500 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does

- not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$630** for a Large Entity:

- \$130** Surcharge.
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- Total additional claim fee(s) for this application is **\$ 500**
 - \$500** for 10 total claims over 20.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951**
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

• If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VIRGINIA L IRBY

Telephone: (709) 308-9140 EXT 229

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/574,740 | PCT/EP04/11214 | MAIWAM7.005APC |

FORM PCT/DO/EO/905 (371 Formalities Notice)